IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 7792 of 2004

Between:

M/s. Geetha Borewells, Flat No. 203, Sri Laxmi Apartments,
Road No.5, Alakapuri, R.K. Puram, L.B. Nagar, Hyderabad.,
rep. by its Proprietor Mr. V. Padma Reddy.

..... PETITIONER

AND

Govt. of Ap, rep. by its Commercial Tax Officer,
Begumpet Circle, Begumpet, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly, one in the nature of Writ of Mandamus or any other appropriate Writ or direction, declaring the action of the respondent herein in not refunding an amount of Rs. 1,83,765-00(refund of tax) for the years 2000-2001 and 2001-2002, is highly illegal, arbitrary and declare as such, consequently direct the respondent herein to refund an amount of Rs. 1,83,765-00 for the years 2000-2001 and 2001-2002 with interest as per section -5(h) of the APGST Act, to the petitioner herein.

Counsel for the Petitioner :MR.G.DHANANJAI

Counsel for the Respondent : GP FOR COMMERCIAL TAXES

The Court at the stage of admission made the following :

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ORDER: (per the Hon'ble Sri Justice Bilal Nazki, J)

The grievance of the petitioner is that he is entitled to refund of certain amounts as per the assessment order, but the refund is not being paid to him.

Learned Government Pleader, on instructions, submits that the earlier assessment order has been revised by the Deputy Commissioner and he has passed orders on 26-10-2004, in accordance with which, the petitioner is not entitled to any refund. This order has also been served on the petitioner on 29-10-2004.

In view of the statement of the learned Government Pleader, the writ petition is dismissed. However, if the petitioner is aggrieved of the order passed, he will have the liberty to avail the remedies available to him in law. No order as to costs.

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BILAL NAZKI, J

Dated: 01.11.2004

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S.ANANDA REDDY, J

GJ

To

1. The Commercial Tax Officer,
   Govt. of A.P., Begumpet Circle, Begumpet, Hyderabad.

2. Two C.Cs. to the Government Pleader for Commercial Taxes, High Court of A.P., Hyderabad.(OUT)

3. Two C.D. copies.